



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



ADMINISTRATIVELY CLOSED

February 28, 2002

08/05

Michael McNaulty
The Pioneer Restaurant
P.O. Box 637
West Ossipee, NH 03890-0637

LETTER OF DEFICIENCY # WSEB 02-09
Certified Mail # 7099 3400 0003 0692 2433

Subject: Tamworth - Public Water System: Pioneer Restaurant (EPA # 2318010)

Dear Mr. McNaulty:

The records of the Department of Environmental Services (DES) show that the Pioneer Restaurant water system is classified as a public water system (PWS), as defined by RSA 485-1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days a year. As such, the PWS owner is required to submit bacteria and chemical samples according to the system's established sampling schedule to the State Laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 325 and Env-Ws 326.

DES records show that the subject water system failed to submit bacteria samples and as a result, Monitoring/Reporting (M/R) violations were issued for the following months:

June 2001 and December 2001

DES records also show that the water system failed to submit an annual nitrate sample and as a result, a Monitoring/Reporting violation was issued for the following quarter:

2nd Quarter 2001

In view of the Monitoring/Reporting violations, DES believes the deficiencies can be corrected by taking the following actions:

1. **By March 15, 2002**, submit a water sample for bacteria analysis to the state laboratory, or a state-certified laboratory, in accordance with NH Admin. Rule Env-Ws 325;
2. **By March 15, 2002**, submit a water sample for nitrate analysis to the state laboratory, or a state-certified laboratory, in accordance with NH Admin. Rule Env-Ws 326;
3. In the future, submit routine water samples for bacteria analysis during the water system's scheduled sampling months of **June and December**; and
4. Submit one routine water sample for nitrate analysis during the water system's scheduled sampling monitoring period of the second quarter (**April, May, June**) of 2002.

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Pursuant to Env-Ws 351, owners of public water systems are required to issue public notification when a system has failed to monitor for bacteria and nitrate. DES records show that the water system failed to do public notice for the following violations:

1. **June 2001 and December 2001** bacteria monitoring/reporting violations; and
2. **2nd quarter 2001** nitrate monitoring violation

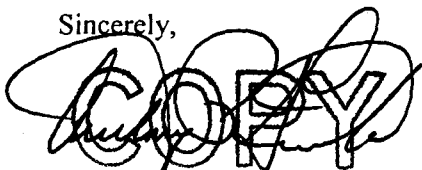
In view of the public notice violations, DES believes the deficiencies can be corrected by taking the following actions:

1. **By March 15, 2002**, carry out public notice requirements for the violations listed above as instructed in the enclosed handouts; and
2. **By March 29, 2002**, provide proof of public notice as instructed in the enclosed handouts.

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please contact Linda Magoon by phone at (603) 271-0672 or by email at lmagoon@des.state.nh.us should you have any questions about the requirements listed in this letter.

Sincerely,



Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

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Enc. Public Notice Template: Bacteria M/R Violation
Nitrate M/R Violation

cc: Gretchen Rule, DES Legal Unit
EPA, Region 1
John Roberts, Town of Tamworth Health Officer
DHHS Restaurant Licensing